

### **REMARKS**

Claims 1, 4-7, 9-11, 13-19, 22, 24-27, 29-31 and 33-40 are pending in the application and are rejected.

In paragraph 7 on page 2 of the Office Action, claims 16, 30-31, 33-35 and 37 are objected to because of informalities. Appropriate correction has been made.

In paragraph 8 on page 3 of the Office Action, claims 1, 4-7, 9-11, 13-19, 22, 24-27, 29-31, 33-40 are rejected under 35 U.S.C. 112, second paragraph, and being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In paragraph 9 on page 4 of the Office Action, claim 37 is rejected under 35 U.S.C. 102(e) as being anticipated by King et al. (U.S. 5,956,737).

In paragraph 11 on page 5 of the Office Action, claims 1, 5, 14-15, 36 and 38-39 remain rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of Seaman (U.S. 6,415,306).

In paragraph 12 on page 10 of the Office Action, claims 4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Seaman as applied to claims 1 and 4 above, and further in view of Ross et al. (U.S. 6,026,417).

In paragraph 13 on page 11 of the Office Action, claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Seaman as applied to claim 1 above, and further in view of Nakatake et al. as supplied by the Application in IDS filed on 4/3/01.

In paragraph 14 on page 12 of the Office Action, claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Seaman as applied to claim 1 above, and further in view of Fukui et al. (U.S. 5,742,837).

In paragraph 15 on page 12 of the Office Action, claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Seaman and further in view of Ross as applied to claim 9 above, and further in view of Bottomly (U.S. 5,900,002).

In paragraph 16 on page 13 of the Office Action, claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Seaman as applied to claim 1 above, and further in view of Burn (U.S. 6,014,137).

In paragraph 17 on page 13 of the Office Action, claims 16, 25, 34-35 remain rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of Koba (U.S. 6,222,947) and Seaman.

In paragraph 18 on page 18 of the Office Action, claims 17-19 remain rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Koba and Seaman as applied to claim 16 above and further in view of Yamamoto et al. (U.S. 6,424,742).

In paragraph 19 on page 19 of the Office Action, claims 24 and 29-30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Koba and Seaman as applied to claim 16 above, and further in view of Ross et al. (U.S. 6,026,417).

In paragraph 20 on page 20 of the Office Action, claim 26 remains rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Koba and Seaman as applied to claim 16 above, and further in view of Nakatake et al. as supplied by the Application in IDS filed 4/3/01.

In paragraph 21 on page 21 of the Office Action, claim 27 remains rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Koba and Seaman as applied to claim 16 above, and further in view of Fukui et al. (U.S. 5,742,837).

In paragraph 22 on page 22 of the Office Action, claim 31 remains rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Koba and Seaman and further in view of Ross as applied to claim 29 above, and further in view of Bottomly.

In paragraph 23 on page 22 of the Office Action, claim 33 remains rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Koba and Seaman and further in view of Ross as applied to claim 29 above, and further in view of Burn (U.S. 6,014,137).

In paragraph 24 on page 23 of the Office Action, newly added claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Koba and Seaman as applied to claim 16 above, and further in view of Bossut et al. (U.S. 2001/0030653).

In paragraph 25 on page 23 of the Office Action, claims 1, 5, 14-15, 36, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King et al. and Seaman.

In paragraph 26 on page 28 of the Office Action, claims 4, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King and Seaman and further in view of Ross et al. (U.S. 6,026,417).

In paragraph 27 on page 30 of the Office Action, claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King and Seaman as applied to claim 1 above, and further in view of Nakatake et al. as supplied by the Application in IDS filed 4/3/01.

In paragraph 28 on page 30 of the Office Action, claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King and Seaman as applied to claim 1 above, and further in view of Fukui et al. (U.S. 5,742,837).

In paragraph 29 on page 31 of the Office Action, claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King, Seaman and further in view of Ross as applied to claim 9 above, and further in view of Bottomly (U.S. 5,900,002).

In paragraph 30 on page 32 of the Office Action, claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King and Seaman as applied to claim 1 above, and further in view of Burn (U.S. 6,014,137).

In paragraph 31 on page 32 of the Office Action, claims 16, 25, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King et al. and Seaman.

In paragraph 32 on page 36 of the Office Action, claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King and Seaman as applied to claim 16 above and further in view of Yamamoto et al. (U.S. 6,424,742).

In paragraph 33 on page 37 of the Office Action, claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King and Seaman as applied to claim 16 above, and further in view of Ross et al.

In paragraph 34 on page 38 of the Office Action, claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King

and Seaman as applied to claim 16 above, and further in view of Nakatake et al. as supplied by the Application in IDS.

In paragraph 35 on page 38 of the Office Action, claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King and Seaman as applied to claim 16 above, and further in view of Fukui et al. (U.S. 5,742,837).

In paragraph 36 on page 39 of the Office Action, claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King and Seaman as applied to claim 16 above, and further in view of Ross et al. (U.S. 6,026,417).

In paragraph 37 on page 40 of the Office Action, claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King and Seaman and further in view of Ross as applied to claim 29 above, and further in view of Bottomly.

In paragraph 38 on page 41 of the Office Action, claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba and in view of King and Seaman as applied to claim 16 above, and further in view of Burn.

In paragraph 39 on page 41 of the Office Action, claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King et al.

In paragraph 40 on page 44 of the Office Action, claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba in view of King and Seaman as applied to claim 16 above, and further in view of Bossut et al.

The Examiner has rejected claims 1, 4-7, 9-11, 13-19, 22, 24-27, 29-31, 33-40 under 35 U.S.C. 112, second paragraph for the reasons set forth in paragraph 8 of the official action. In this regard the Independent claims have been amended to refer to providing at least one predetermined location in each of the plurality of different page layouts, said at least one predetermined location defining an area in which none of the plurality of images may be placed. It is respectfully submitted that these claims are no longer indefinite in that it is now clear that there is provided a predetermined location in each of the different page layouts that define an area in which none of the plurality of images may be placed.

Support for this amendment may be found on page 12, lines 21-30, Figure 14, page 13, lines 1-20.

The Examiner has rejected claim 37 under 35 U.S.C. 102(e) as being anticipated by King et al. for the reasons set forth in paragraph 9 and has also rejected the remaining claims under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of Seaman for the reasons set forth in paragraph 11. It is respectfully submitted that neither the King et al. nor Seaman references teach or suggest the invention as currently set forth. In particular US Patent 5,956,737 to King et al. is directed to a method of fitting content element on a page. White space, as used in King et al., is simply one of the content elements. See column 40, lines 55-58. The scaling of the white space therein is just simply scaling the amount of white space between content sections. The term "white space" as used in King et al. is that white portion that exists after the images have been laid out. King et al. does not use white space as a criteria for determining desirability of a page layout. When the scalability of the white space is 0 in King et al., this means simply that there will be no spaces between the content sections. This is in complete contrast to the present invention where white space is determined and adjusted between the digital images to provide aesthetically pleasing layouts for various different size images. In addition, the present invention sets forth that the spatial balance between the plurality of different digital images is adjusted and is a second criteria used to determine the appropriate layout to be use. In the present invention each of the different page layouts is analyzed in accordance with the amount of white space in each of the plurality of different page layouts and also spatially balanced. This is not taught or suggested by King et al. that for this reason alone the King et al. reference cannot anticipate, teach or suggest the present invention.

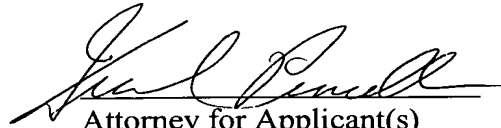
Furthermore, the King et al. reference also fails to teach or suggest the providing of a predetermine area which defines an area in which none of the plurality of images may be placed. In this context, an image according to the present invention is digital data that comprise an image or text that can be displayed. There is no teaching or suggestion of providing a predetermined area in which image are not to be placed in combination with the other limitations as taught and claimed by Applicant. The King et al reference does not teach or suggest this additional claimed feature.

In order to render a claim anticipated or obvious in view of the prior art, each and every element of the claim must be disclosed. The King et al. reference does not teach or suggest the invention as currently set forth. Accordingly it could not render the present invention obvious. The Examiner has also cited Seaman in combination with King for disclosing the present invention. Applicant respectfully submits that Seaman fails to remedy the deficiency of the King and that the Seaman reference also fails to teach or suggest the providing of at least one predetermined location defining an area in which none of the plurality of digital images may be placed. Nor does Seaman teach or suggest analyzing each of the different page layouts and spatially balance the white space between the plurality of digital images and the providing at least one predetermined location in which none of the image are placed. Rather, Seaman discloses placement features 120 on a display medium 110. See column 3, lines 38-50. Placement feature 120 may have a predefined gap 121 between the placement feature 120 and other boundaries, such as a page boundary. See column 3, line 61, column 4, line 14. A computer program provides weighted values for the placement feature 120. The value is used to place the placement feature 120 on the medium 110. See column 5, lines 21-37. Seaman further discloses that all area on a display medium 110 that is not occupied by a placement feature 120 is treated as white space. See column 8, lines 3-5. Seaman, however, does not disclose a predetermined location where none of the plurality of images may be placed nor does it teach or suggest spatially balancing white space between the plurality of different images and providing the at least one predetermined location.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.